

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Remarks/ Arguments

Applicant respectfully submits the following remarks and arguments with respect



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Application No. 09/324,249.
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

- b) Applicant respectfully submits that Criss does not disclose that the memory 50 contains a destination address, much less one associated with the server. Rather, while a wireless device memory 50 is referenced in Figure 2, there is no disclosure that this memory contains a predefined destination address that is associated with the server. In fact, Criss at paragraph 51, discloses that "when a mobile terminal 36 within the system initially powers up (via an on/off switch for example) or is reset, the mobile terminal 36 goes through an initialization, or boot-up routine. Such routine includes communicating with the host computer 30 via a selected base station 26 in order that the host computer 30 provides the mobile terminal 36 with its Internet protocol (IP) address as is conventional." This teaches only conventional method whereby the mobile contacts a base station, which in turn knows where to contact the host computer, and indicates that the mobile terminal does not know a host computer IP address until it goes through this process and the host computer provides its IP address to the mobile terminal. In the present invention, the wireless device already contains the IP or destination address that is associated with the server.
- c) Applicant wishes to clarify the difference between the configuration table or record as disclosed in the present invention and any software or software update schedule table disclosed by Criss '178. As used in the present invention of claim 18, the configuration table data is created on the server through a user interface (Figs 7-11) where the user can update this by using a full-size keyboard and any PC browser accessing the user's account on the server, and is transmitted from the server to the wireless device where it is accessible through a wireless device user interface (Figs. 4-6). Thus, in the present invention, configuration table data is personal configuration data entered by the user, and is specific to the user and the wireless device used by that user, whereas the software updates discussed in Criss are a means for updating a class of devices, so that they all stay current on appropriate software releases. In fact, in Criss, the method discussed solves the problem of how to make all wireless devices the same, where the present invention solves the problem of how to make each individual wireless device unique because it contains configuration table data unique to the user. Applicant can find in Criss no disclosure of configuration table data, when that term is read and understood in light of the present disclosure, and therefore Applicant respectfully submits that the present invention of Claim 18 is not anticipated by Criss.
- d) Furthermore, the software update schedule table discussed in P12 and P13 are on the mobile device, and are not transmitted wholesale from the host to the mobile device. Rather they appear to store times when the mobile device is to request software updates from the host computer. While the present invention does include a configuration table, this configuration table is maintained on a host/server where account entries, such as

Application No: 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

nicknames and other user definable parameters can be modified via Internet access to the account. Then these parameters are sent to the wireless terminal the next time it is activated. The present invention wireless devices are typically personal devices which may be activated or inactivated at user discretion, when needed, whereas the devices discussed in Criss appear to always be present and available as part of a LAN or WAN in "Retail stores and warehouses, [that] for example, may use cellular communications systems to track inventory and replenish stock. The transportation industry may use such systems at large outdoor storage facilities to keep an accurate account of incoming and outgoing shipments. In manufacturing facilities." There may be long or short periods between activation, but in the preferred embodiment the wireless device checks for updates to its related account configuration table upon each activation, and not according to a software update schedule table.

- e) *Again, the Criss invention is for a different purpose, which is to update software on a group of similar wireless devices, rather than to update user-specific configuration data on a specific device. Criss discloses that "The present invention relates generally to wireless software upgrades in wireless communication systems. More particularly, the present invention relates to a system and method in which software upgrades are provided wirelessly to mobile devices upon detecting that software currently in the mobile devices is outdated." In the present invention, a specific user's configuration data is transferred from the server to a specific wireless device associated with that user's account on the server.*
- f) *Applicant respectfully requests clarification regarding the reference to Criss "transmitting configuration table data from the server to the wireless device (i.e. page 5, pars 59-60)". On page 5, paragraphs 59 discloses transferring operating software into the server memory 66 "using conventional file transfer techniques", and paragraph 60 discloses updating the FTP server memory 67 with latest version of software for each mobile terminal. This reference is confusing to applicant because this section of the Criss disclosure does not apparently have anything to do with transferring software, or anything resembling configuration data, from the server to the wireless device.*
- g) *For these and other reasons, Applicant respectfully submits that the present invention of Claim 18 is not anticipated by Criss '178.*

Claims 1-6, 8, 11, 14, 16 & 17 are rejected under 35 USC 102(e) as being anticipated by Safai et al. (U.S. 6,167,469).

[Claim 1. A wireless digital camera apparatus, comprising:

a digital camera including a processor, user interface means, and a memory, wherein said memory contains at least a

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

destination address;

a RF communications device connected to said processor; and
processor control means, responsive to signals received from said user interface means, for automatically establishing a link between said RF communications device and a remote system associated with said destination address whenever possible and the apparatus is activated, capturing digital images and storing said images in said memory, and transmitting a message, including at least one digital image, via said RF communications device to the remote system.]

"Regarding claim 1, Safai 469 discloses a wireless digital camera apparatus (figs. 6 and 7) comprising: a digital camera (100) including a processor, user interface means, and a memory (Figs. 1-2, the elements 110-116, 220, 212); a RF communication device connected to said processor (Fig. 2, the elements 214/208 and Fig. 7, the elements 718; col.5, lines 15+, col. 13, lines 10-30 and col. 18, lines 5-15); and
processor control means (fig. 2, the element 210) responsive to signals received from said user interface means, for capturing digital images and storing said images in said memory (col. 5, lines 30+ and col. 6, lines 1+), selecting and storing a destination address in said memory (Figs. 4A-4F; col. 8, lines 25- col.9 lines 25+), and transmitting a message, including at least one said digital image, via said RF communication device to a remote system associated with said destination address (col. 12, lines 36+, col. 13, lines 10-30 and col. 18, lines 10+)"

Safai does not disclose 'always on' e-camera. Rather, Safi teaches away from this by saying at col. 12, line 17+, "the user is expected to connect a cable from the camera to a telecommunication device or network. For example, when communication port 214 is a modem, the user connects it to a telephone jack that is coupled to the public switched telephone network". While Safi does say at col. 18, line 13 "Wireless links may also be implemented" this does not begin to describe the function of the present invention that automatically establishes a establishing a wireless packet data network connection via wireless link whenever the apparatus is activated and environmental conditions permit establishing such a connection, and does not require any subsequent user action to re-initiated the link if it is subsequently lost and recovered. For example, Safi at col. 13, lines 10+ and 41+ teaches dialing a predefined telephone number, and terminates the connection following transport at col. 14, lines 3+. In fact, it is fair to assume that it would only be cost- effective to establish such an 'always on' connection when a wireless packet data network can be established, because usage over such a connection is generally only charged for data transmitted, as contrasted with other cellular connections, where usage charges are based on connection time.

Furthermore, Safi describes a process for sending photos that involves entering "one or more addresses" each indentifying a single addressee, and then selecting photos to

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

send. Present invention allows photo to be sent to a recipient code/nickname that corresponds to one or more pre-defined addresses on the server. Further, the present invention only has one transmission to the server, regardless of whether the image is associated with a recipient code for a single address or multiple addresses, in order to minimize transmission delay and cost. Safi, however, teaches at col. 12, line 10+ "when the user has entered more than one address, the transport application will send the selected photos to each address in the list separately." Accordingly, Applicant respectfully submits that Safi does not anticipate the present invention of Claim 1, as amended.

[Claim 2. Apparatus of claim 1, wherein said memory further includes at least one previously defined recipient code and said user interface further comprises means for selecting a recipient code from said memory, and wherein said message further includes said recipient code.]

"Regarding Claim 2, Safai '469 discloses wherein said user interface further comprises means for selecting a recipient code from a predefined list stored in said memory (col. 9, lines 30+ and col. 13, lines 55+), said remote system comprises a messaging server (601) wherein said message further includes said recipient code (i.e., col. 13, lines 40+ and col. 14, lines 45+)."

- a) While Safi does disclose an auto-complete function for automatically suggesting potential matching addresses that correspond to user inputs each time the user enters a new address, Applicant respectfully submits that this is not the same as allowing the user to select from a displayed list of addresses in memory. In the present invention, the user can configure the camera so that a list of addresses are present the first time the camera is used, via earlier entry of nicknames or recipient codes and addresses in the server account. Safi would not allow this as there would be no previous address entries the first time the camera is used, and accordingly there would not be anything for the auto-completion function to look up. It's completely different functionality.*
- b) Safi does not disclose a nickname/recipient code. Rather Safi disclosed an address, which apparently may comprise a facsimile number, an email address, or a postal mailing address. While Safi does disclose an intelligent server that Safi suggests can forward the photo to an email address or facsimile machine, or print the photo for mailing to a postal address if that is what the user happened to enter as an address when using the camera transport function, Safi includes nothing like the nickname/recipient code of the present invention. The present invention server uses the nickname/recipient code that is included with each image received by the server from a camera, by matching it with nickname/recipient codes in the corresponding user account on said server. If a matching*

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

nickname/recipient code is found on the server, then the server uses associated information (which may include multiple email addresses, postal addresses, a single email address) in order to process the image according to the user's intent. Or, if the nickname/recipient code indicates a custom address, is included in the message then the server forwards the image to that address. But nothing like this use of nicknames/recipient codes to convey delivery information from the user to the server is disclosed by Safi.

[Claim 3. Apparatus of claim 1, wherein said user interface further comprises means for entering a recipient address and wherein said message further includes said recipient address.]

"Regarding claim 3, Safi '469 discloses wherein said user interface further comprises means for entering a recipient address and wherein said message further includes said recipient address (i.e., see Figs 4A-4F; col. 9, lines 15+)"

true, but Safi discloses entering one or more addresses... not nickname/recipient code.

[Claim 4. Apparatus of claim 3, wherein said means for entering a recipient address comprises a microphone and voice recognition module.]

"Regarding claim 4, Safi '469 discloses wherein said means for entering a recipient address comprises a microphone and voice recognition module (i.e. the microphone 216 of Fig. 2 and noted the use of voice commands as discussed in col. 6, lines 26+)."

Depends from allowable independent claim; should be allowable if base independent claim is allowed

[Claim 5. Apparatus of claim 1, wherein said user interface further comprises means for selecting a classification for said digital image and wherein said control means further transmits said classification with said message.]

"Regarding claim 5, Safi '469 discloses wherein said user interface further comprises means for selecting a classification for said digital image and wherein said control means further transmits said classification with said message (i.e., noted from Figs. 4A-4F that user may select a classification for the digital image by either selecting the text information in the address entry field 414 or selecting a voice message to classify the digital image, and such classification data is transmitted along with the digital images to the remote server 601; col. 9, lines 4+ and col. 11, lines 26+)."

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

One purpose of the present invention is to simplify the user input requirements. Safi does not disclose a "means for selecting" a classification that is included in the transmitted message and this classification later enables standard search criteria in the server database. In fact, Safi only discloses entering, not selecting, text describing message subject matter, or recording a voice message or annotation to accompany an image. The present invention allows users to pre-define a set number of image classifications, which can be selected via wireless device user interface, and thus provides a standard set of categories by which images can be retrieved when archived on the server. Applicant can find no similar means for classification selection in Safi, and submits that Safi does not anticipate the invention of Claim 5.

[Claim 6. Apparatus of claim 1, wherein said user interface further comprises means for creating a digital audio recording and wherein said control means further transmits said digital audio recording with said message.]

"Regarding . claim 6, Safi '469 discloses wherein said user interface further comprises means for creating a digital audio recording and wherein said control means further transmits said digital audio recording with said message (i.e., col. 11, lines 26+ and Fig. 4D)."

True, but should be allowable if base independent claim is allowed.

[claim 8. Apparatus of claim 1, wherein said user interface further comprises means for selecting a nickname/recipient code from a predefined list stored in said memory, and wherein said message further includes said nickname/recipient code.]

" Regarding . claim 8, Safi '469 discloses wherein said user interface further comprises means for selecting a nickname/recipient code from a predefined list stored in said memory, and wherein said message further includes said nickname/recipient code (i.e., , as shown in Figs. 4B and 5A and col. 9, lines 15+ the user may select a nickname/recipient code, the predetermined address stored in internal table of the camera, by entering an address, and the auto-completion function retrieves the complete address from the internal table so that this address can be included with the transmitted message data; col. 12, ,lines 40+ and col. 13, lines 55+)."

While Safi does disclose an auto-complete function for automatically suggesting potential matching addresses that correspond to user inputs each time the user enters a new address, Applicant respectfully submits that this is not the same as allowing the user to select from a displayed list of addresses in memory (that were previously entered as server user account nicknames with corresponding delivery addresses, using a full-size keyboard).

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Safi does not disclose a nickname/recipient code. Rather Safi discloses an address, which apparently may comprise a facsimile number, an email address, or a postal mailing address. While Safi does disclose an intelligent server that can forward the photo to an email address or facsimile machine, or print the photo for mailing to a postal address, Safi includes nothing like the nickname/recipient code of the present invention. The present invention server uses the nickname/recipient code that is included with each image by matching it with nickname/recipient codes in the corresponding user account on said server. If a matching nickname/recipient code is found on the server, then the server uses associated information (which as shown in Fig. 9 may include multiple email addresses, postal addresses, phone and fax numbers, any combination of the foregoing in a group recipient code, or a single email address where the recipient code is "CUSTOM") in order to process the message according to the user's intent. In the present invention, only if the nickname/recipient code is CUSTOM, does the server forward the message to the custom address as included in the message. But Safi discloses nothing like this use of recipient codes to convey delivery information from the user to the server.

[Claim 11. Digital photo delivery system comprising:

a wireless digital camera apparatus, wherein said apparatus includes a processor; a memory; an account identifier and a destination address and at least one previously defined recipient code stored in said memory; user interface means connected to said processor for at least displaying a list of recipient codes stored in said memory and receiving signals indicating user selection of a single recipient code from the displayed list; a digital camera means connected to said processor; a RF communications device connected to said processor; and processor control means, responsive to signals received from said user interface means, for transmitting a message, including at least an account identifier, a recipient code, and one said digital image, to said destination address via said RF communications device; and a server associated with said destination address and responsive to messages received at said destination address from said wireless digital camera apparatus; server memory means for storing account configuration records, including message recipient code distribution data, and associated with said account identifiers; server communications means; and server control means for parsing said account identifier and said recipient code from each said message, and processing each said message according to message recipient code distribution data associated with said account identifier and said recipient code.]

*Regarding claim 11, Safi '469 discloses digital photo delivery system (Figs. 6 and 7) comprising:

a wireless digital camera apparatus (col. 6, lines 15+, col. 13, lines 25+ and col. 18, lines 10+), wherein said apparatus includes a processor; a memory (fig. 2, the elements' 208 and 212; col. 12, lines 65+); a destination address stored in said memory (i.e., col. 9, lines 15+ and col. 13, lines 55+);

user interface means (fig. 1, the elements' 110-16) connected to said processor (col. 5, lines 20+; Fig. 7, the elements' 714, 716 and 704);

a digital camera means connected to said processor (fig. 2; col. 5, lines 40+);

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

a RF communications device connected to said processor (i.e., Fig. 2, the element 214; col. 6, lines 6+, col. 13, lines 25-30 and col. 18, lines 10+); and processor control means, responsive to signals received from said user interface means (Fig. 2, the elements 210/208; see col. 5, lines 55+ and col. 6, lines 20+), for transmitting a message, including at least an account identifier, a recipient code, and one said digital image (i.e., see Figs. 4A-4F; col. 2, lines 35+, col. 12, lines 40+ and col. 13, lines 55+), to said destination address via said RF communications device (col. 6, lines 6+, col. 17, lines 40+ and col. 18, lines 10+); and
a server (Fig. 6, element 601) associated with said destination address and responsive to messages received at said destination address from said wireless digital camera apparatus (col. 13, lines 25+);
server memory means (614) for storing account configuration records, including message recipient code distribution data, and associated with said account identifiers (i.e., col. 14, lines 10-65 and col. 15, lines 15+);
server communication means; and server control means for parsing said account identifier and said recipient code from each said message (Fig. 6, col. 14, lines 10-68 and col. 15, lines 30+), and
processing each said message according to message recipient code distribution data associated with said account identifier and said recipient code (col. 14, lines 1-68), which processing may include transmitting portions of said messages to at least one pre-defined recipient (i.e. noted that the server 601 is capable of forwarding the received messages to the pre-defined recipient of the elements 610 and 612) associated with said recipient code via said server communication means (figs. 6 & 7; the elements 608, 722, 726 and 728; col. 14, lines 30+ and col. 15, lines 1-55).

In the present invention, the destination address is an address associated with the server, not an email address, facsimile number, or postal address as disclosed by Safi and as discussed at Safi col. 9, lines 15+. And the address referred to at col 13 lines 55+ is the user's address.

Also, Safi does not disclose anything like the present invention recipient code/nickname and what Safi is discussing at col. 14 lines 1-68 involves processing that is dependent on the server "601 determines what to do with them" via some sort of undisclosed algorithm in order to "identify" somehow whether the address is an internet or email address, a physical address, facsimile, another server, etc. Safi discloses nothing like the recipient code or "nickname" of the present invention as shown in present figures 8 and 9, where figure 8 is a summary screen showing several recipients, their associated recipient code/nickname, and primary email address, and figure 9 is a detailed view of one of

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

these recipient records with a recipient code/nickname of 'Jeff' and multiple addresses to which, if present, the server could use to deliver messages.

[Claim 14. Digital photo delivery system of claim 11, wherein said RF communications device comprises a modem suitable for connection to a PSTN and said processor control means comprises a processor for generating commands to link said wireless digital camera apparatus to an Internet service provider network and transmit said message to said destination address.]

"Regarding claim 14, Safi '469 discloses wherein said RF communications device comprises a modem suitable for connection to a PSTN (col 13, lines 15+) and said processor control means comprises a processor for generating commands to link said wireless digital camera apparatus to an Internet service provider network and transmits said message to said destination address (fig. 2, the elements 210 & 214; col. 12, lines 20+ and col. 13 lines 14+)."

It appears to applicant that Safi at col 13 lines 15+ is not referring to Safi's claimed communication port 214, which is not an RF communications device, but rather a wired modem that is coupled to a phone line. At col 12., Lines 20+ Safi teaches that "when communication port 214 is a modem, the user connects it to a telephone jack that is coupled to the public switched telephone network". This is clearly different from the disclosure of the present invention which only utilizes, and claims, a apparatus with a RF modem. The disclosure of the present invention describes the RF communications device as "a circuit-switched data modem ...and may ... establish a switched connection through the Public Switched Telephone Network (PSTN) to the server." Furthermore, Applicant submits that this dependent claim should be allowable if base independent claim is allowed.

[Claim 16. A method in a data processing system for transmitting an image to a remote system associated with a predetermined destination address, comprising:
registering with a wireless packet data network;
obtaining a digital image from a digital camera;
formatting a message, including at least one said digital image and an account identifier; and
transmitting said message via said wireless packet data network to said remote system associated with said predetermined destination address.]

Regarding claim 16, Safi 469 discloses a method in a data processing system for transmitting an image to a remote system associated with a predetermined destination address (figs. 4A-4F), comprising:
registering with a wireless packet data network (col. 15, lines 15+);

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

obtaining a digital image from a digital camera (col. 5, lines 40+);
formatting a message, including at least one said digital image and an account identifier (Figs. 4b, col. 8, lines 68+); and
transmitting said message via said wireless packet data network to said remote system (601) associated with said predetermined destination address (col 13, lines 15-30, col. 17, lines 40+, and col 18 lines 10+).

Applicant submits that while the words registering and registration are used in both the present application and Safi, they are used to mean completely different processes. In the present invention "registering" means establishing a connection with the network, but the registration process discussed by Safi at Col 15, lines 15+ refers to establishing an account on a central server as in signing up for a service and providing personal details. It is important to understand that the phrase "destination address" in Claim 16 of the present invention is used in the context of "a remote system associated with a predetermined destination address", where Safi only uses it, as at column 13, line 10+, in reference to the email address, postal address, etc "indicated in the confirmation box 456". Whereas, in claim 16, the predetermined address is the address of the server, and the present invention sends a message to that address so that the message, including image and account identifier, can be saved in association with the user account. Accordingly, applicant suggests that the destination address of Safi is different from the destination or delivery address discussed in the present invention and therefore claim 16 is not anticipated by Safi.

[Claim 17. Method of claim 16, further comprising the step of processing said message on said remote system to retrieve one or more preselected recipient addresses corresponding to a recipient code in said message; and retransmitting at least said image to each preselected recipient address]

Regarding claim 17, Safi 469 discloses further comprising the step of processing said message on said remote system to retrieve one or more preselected recipient addresses corresponding to a recipient code in said message (Fig 4E-4F; col 12, lines 40+); and retransmitting at least said image to each preselected recipient address (col.14, lines 9-68).

In Safi, col. 12 lines 40+ discuss one or more addresses entered by the user, whereas in the present invention claim 17 relates to a single recipient code selected by the user, and this recipient code is processed on said remote system to retrieve one or more preselected recipient addresses, and then the remote system retransmits at least the image to each preselected address. The key difference here is that in Safi, if multiple recipient addresses are selected, this selection/entry is done by the user on the wireless

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

device (which can be quite tedious considering the limited keyboard options often available) and all of these addresses are transmitted in a message to the server, whereas this is done automatically in the present invention when a process on the remote system retrieves multiple preselected addresses associated on the remote system with a) the recipient code that is included in the message and b) the user account information.

Claims 1-4, 8, 11, 16 & 17 are rejected under 35 USC 102(e) as being anticipated by Hull et al. (U.S. 5,806,005).

[Claim 1. A wireless digital camera apparatus, comprising:
a digital camera including a processor, user interface means, and a memory, wherein said memory contains at least a destination address;
a RF communications device connected to said processor; and
processor control means, responsive to signals received from said user interface means, for automatically establishing a link between said RF communications device and a remote system associated with said destination address whenever possible and the apparatus is activated, capturing digital images and storing said images in said memory, and transmitting a message, including at least one digital image, via said RF communications device to the remote system.]

"Regarding Claim 1, Hull '005 discloses a wireless digital camera apparatus (Fig. 1), comprising: a digital camera (12) including a processor (i.e. noted that the CPU 22 and the capture device 20 includes a processor)), user interface means (i.e., the input device 32), and a memory (the memory 24/34); a RF communications device (i.e., the elements 26 and 28) connected to said processor (20/22); and processor control means (22), responsive to signals received from said user interface means (32), for capturing digital images and storing said images in said memory (24), selecting and storing a destination address (i.e. noted that the memory 34 contains a destination address; see col. 2, lines 25+) in said memory, and transmitting a message, including at least one said digital image, via said RF communications device (i.e. col. 2, lines 25+) to a remote system (14) associated with said destination address (i.e. noted that the transmitted messages may include the destination address, such that email address to the recipient, IP address and the addresses to the external devices 70; see col. 2, lines 30+ and col. 4, lines 15+)"

Hull does not disclose 'always on' e-camera of the present Claim 1 invention, where the RF communications link is established whenever the apparatus is activated and environmental conditions permit establishing a wireless packet data connection, and does not require any subsequent user action to re-initiated the link if it is subsequently lost and recovered. Rather, Hull describes a typical operation at col. 3, lines 17+ as including a user initiated command sequence to begin the process of dialing a cellular number or otherwise setting up a link between remote station 12 and server station 14.

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

For example, Safi at col. 13, lines 10+ and 41+ teaches dialing a predefined telephone number, and terminates the connection following transport at col. 14, lines 3+. While Hull discloses many of the elements of claim 1 of the present invention, applicant respectfully submits that there is nothing in Hull that teaches storing a destination address in processor memory whereas the present invention that this address "may be saved in the wireless camera device memory in response to input commands entered at a device user interface, input commands entered remotely via the communications device, or input commands stored in the memory during manufacture of the wireless device." A search of the Hull specification reveals no instance of the word "address". Further, Hull describes a typical operation as including user initiated command sequence to begin the process of dialing a cellular number or otherwise setting up a link between remote station 12 and server station 14. Applicant agrees that the transmitted message may include a destination address, email address or IP address and the address of external devices, but Hull doesn't say how this address may be supplied other than as part of a user initiated command. In fact, Hull only discusses transmissions between the server station and a) the remote station or b) external printing devices 70 or c) a facsimile number. The present invention seeks to simplify this process and teaches storing the remote system address in memory so that users are not required to recall and re-enter these each time they wish to send a message. While one could speculate in hindsight that Hull would store the remote system address in memory on something more than a transient basis, Hull does not teach this, and applicant submits therefore that Hull does not anticipate the present Claim 1.

[Claim 2. Apparatus of claim 1, wherein said memory further includes at least one previously defined recipient code and said user interface further comprises means for selecting a recipient code from said memory, and wherein said message further includes said recipient code.]

"Regarding Claim 2, Hull '005 discloses wherein said user interface further comprises means for selecting a recipient code (i.e. fig. 1 and col. 2, lines 25+ that the user of DSVC 12 may select a recipient code, such that e-mail address code) from a predefined list stored in said memory (i.e., noted that a predetermined e-mail address may be stored with the memory 34), said remote system comprises a messaging server (14), and wherein said message further includes said recipient code (i.e. noted that the message transmitted from DSVC 12 may include the recipient code, web site address or the address codes for the external printing devices 70 so that the server may forward the message to corresponding recipient in response to this code data from the received message; see col. 2, lines 20-68 and col. 4, lines 15+)."

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Hull seeks to provide "a DSVC with a large image storage capacity where the image storage is not unduly expensive and does not unreasonably impact the size of the portable camera" and proposes a solution where images are transmitted to a server station and then deleted to free up memory in the remote station DSVC. As previously stated, the present invention discloses a system including a digital camera service server host device at a pre-defined IP address which can store portions of the message, and / or forward select portions of the message and digital image to one or more recipients associated with a message recipient code. While one could speculate in hindsight that Hull would store the remote system address in memory on something more than a transient basis, Hull does not teach this, and it should certainly be clear that there is nothing in Hull that discloses or suggests, through hindsight speculation or otherwise, the selection of a recipient code via the wireless device user interface, and transmitting this recipient code as part of the message in order to instruct the server how to process the message on receipt, and therefore Applicant submits that Hull does not anticipate the present Claim 2.

[Claim 3. Apparatus of claim 1, wherein said user interface further comprises means for entering a recipient address and wherein said message further includes said recipient address.]

"Regarding claim 3, Hull '005 discloses wherein said user interface further comprises means for entering a recipient address and wherein said message further includes said recipient address (i.e., noted that the user may enter a recipient address via a command input device 32; see col. 2, lines 20+ and col. 3, lines 20+)"

As previously stated, Applicant sees nothing in Hull regarding entry of an address, and to say that this is possible via command input is hindsight speculation. For the reasons stated above with respect to Claim 1, Applicant submits that Hull does not anticipate the present Claim 3, particularly when 'recipient address' is read and understood in light of the disclosure.

[Claim 4. Apparatus of claim 3, wherein said means for entering a recipient address comprises a microphone and voice recognition module.]

"Regarding claim 4, Hull '005 discloses wherein said means for entering a recipient address comprises a microphone and voice recognition module (col. 2, lines 20-25).

True that Hull discloses use of a voice activated device for command input, but Applicant again rejects the conclusion that this teaches use for entry of a recipient address.

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Additionally, Applicant submits that this dependent claim should be allowable if base independent claim is allowed.

[claim 8. Apparatus of claim 1, wherein said user interface further comprises means for selecting a nickname/recipient code from a predefined list stored in said memory, and wherein said message further includes said nickname/recipient code.]

" Regarding Claim 8, Hull '005 discloses wherein said user interface further comprises means for selecting a recipient code from a predefined list stored in said memory, (i.e. noted that the memory 34 stored a predefined list of recipient codes) and wherein said message further includes said nickname/recipient code (i.e., see col. 2, lines 20+ and col. 4, lines 15+)."

Applicant respectfully submits that there is nothing in Hull regarding a nickname/recipient codes as this term is used in the present invention, much less memory 34 storing a predefined list of recipient codes, nor does Hull disclose including a nickname/recipient code in messages between the server and remote system. Accordingly, Applicant submits that Hull does not anticipate the present Claim 8.

[Claim 11. Digital photo delivery system comprising:
a wireless digital camera apparatus, wherein said apparatus includes a processor; a memory; an account identifier and a destination address and at least one previously defined recipient code stored in said memory; user interface means connected to said processor for at least displaying a list of recipient codes stored in said memory and receiving signals indicating user selection of a single recipient code from the displayed list; a digital camera means connected to said processor; a RF communications device connected to said processor; and processor control means, responsive to signals received from said user interface means, for transmitting a message, including at least an account identifier, a recipient code, and one said digital image, to said destination address via said RF communications device; and
a server associated with said destination address and responsive to messages received at said destination address from said wireless digital camera apparatus; server memory means for storing account configuration records, including message recipient code distribution data, and associated with said account identifiers; server communications means; and server control means for parsing said account identifier and said recipient code from each said message, and processing each said message according to message recipient code distribution data associated with said account identifier and said recipient code.]

"Regarding claim 11, Hull '005 discloses a digital photo delivery system (Fig. 1) comprising: a wireless digital camera apparatus (12), wherein said apparatus includes a processor (i.e. noted that the image captured by the capture device 20 must be processed before storing in the memory 24, thus the capture device 20 and the CPU 22 must include a processor for processing the image data captured by the capture device 20); a memory (i.e. noted the use of memory device 24/34); a destination address stored

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

In said memory (i.e., noted the memory 34 can store a destination address, such that the e-mail addresses; see col. 2, lines 25+); user interface means (32) connected to said processor (i.e., the processor of the capture device 20 and the CPU 22); a digital camera means (20) connected to said processor (i.e., noted the processor 20); a RF communications device (i.e., the elements 26/28) connected to said processor (22); and processor control means (22), responsive to signals received from said user interface means (32), for transmitting a message, including at least an account identifier (i.e., noted that use of TCP/IP protocol packaging, thus, an account identifier is an inherent feature of Hull '005), a recipient code (i.e., noted that the digital packets transmit over the network 16 includes the recipient code such as the server address code, e-mail address code and the telephone number of the external printing device 70; see col. 2, lines 30+, col. 3, lines 20+ and col. 4, lines 15+), and one said digital image, to said destination address via said RF communications device (i.e. col. 3, lines 20+); and a server (14) associated with said destination address (i.e., noted that the server 14 is associated with the destination address of the DSVC 12 so that the message data transmitted from the DSVC 12 is only transmitted to the specific server 14 based on the destination address located within the DSVC 12) and responsive to messages received at said destination address from said wireless digital camera apparatus (i.e., col. 2, lines 2, lines 45-60);

server memory means (58/54) for storing account configuration records (i.e., noted that the DSVC 12 is normally register with the server 14, thus the server must store the account configuration records of the DSVC 12, so that the server would be able to establish the correct communicate with the specific DSVC system), including message recipient code distribution data, and associated with said account identifiers (i.e., noted that the message transmitted from the DSVC 12 includes recipient code distribution data, such that the e-mail/ telephone number of the designated recipients associated with the DSVC 12, such distribution data may be stored in the storage means at the server 14, so that some or all of the images in the data storage means may be forwarded to the corresponding e-mail address, the external printing devices or the web pages over the Internet, see col. 2, lines 30-50 and col. 4, lines 15-20);

server communications means (fig. 1, the elements 56 & 52); and server control means (52) for parsing said account identifier and said recipient code from each said message (i.e. noted that the CPU 52 of the server 14 must decrypt/unpackage the messages transmitted from the DSVC 12; see col. 2, lines 39+), and processing each said message according to message recipient code distribution data (i.e., noted from Fig. 1 and col. 2, lines 31+ that the CPU 52 of the server is capable of processing the message packets to handle the requirements of the protocols used to send the messages, thus, the CPU 52

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

must process the message based on the recipient code distribution data, such that the e-mail data or the telephone data of the intended recipient) associated with said account identifier (i.e., noted that since there are many DSVC systems communicating with the server 14, the transmitted message packets from the DSVC 12 must include the specific account identifier so that the server 14 is capable of properly identifying the specific DSVC) and said recipient code, which processing may include transmitting portions of said messages to at least one pre-defined recipient (i.e., noted that transmitted packets includes a pre-defined recipient code, such as e-mail addresses and the telephone number of the recipient so that some or all of the images from the transmitted messages may be made available over the internet or forwarded to the external printing devices as requested by the DSVC 12; see col. 2, lines 30-50 and col. 4, lines 15+) associated with said recipient code via said server communications means (56/52)."

Applicant respectfully submits that, as stated before in reference to Hull '005 with respect to claims 1-4 and 8, many of the Examiner's arguments regarding features of Hull are the result of hindsight, are speculative and are not supported or suggested by the Hull disclosure. For example, Examiner notes that there are many DSVC systems communicating with the server, while in fact that is not necessarily the case. Hull always refers to the DSVC and 'the remote system' in the singular, and Applicant is unable to find any reference to the server communicating with more than a single DSVC/remote system. While this could be the case if arrangements were made as in the present invention for an account or DSVC identifier, but Hull apparently makes no such disclosure. Applicant feels it is unjustified to conclude that the Hull server is communicating with a plurality of DSVC devices, when this server could easily be implemented on a common personal computer located at a home or office, and used in connection with a single DSVC.

Alternately, even if such a home or office PC server implementation were to be used with many DSVC devices, then images received from any such device would necessarily be treated the same as images received from another device in order for the Hull disclosure to be useful, and it is speculative to say that images from one such DSVC/remote device could be "properly identified" on the server (even though that might be nice, it's not disclosed by Hull). It appears to Applicant that once a communication link is established by the DSVC/remote system, the server can communicate with the DSVC via this "return link" and Applicant has found no discussion in Hull of the Server independently initiating a link to the DSVC/remote system after this communication link is dropped, or for that matter any means for the Hull server to independently establish such a link.

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Applicant respectfully submits that there is no "account identifier" disclosed by Hull, as that term is used in the present invention, and does not agree with Examiners conclusion that such an account identifier is an inherent feature of Hull due to "use of TCP/IP protocol packaging".

Furthermore, it is clear, as discussed before, that there is nothing in Hull regarding a nickname/recipient code as this term is used in the present invention, much less memory 34 storing a predefined list of recipient codes, nor does Hull disclose including a nickname/recipient code in messages passed between the remote system and server. Although Applicant could make additional arguments regarding the novelty of the present invention claim 11 in light of the Hull disclosure, Applicant submits that the reasons given above are sufficient to show that Hull does not anticipate the present Claim 11.

[claim 16. A method in a data processing system for transmitting an image to a remote system associated with a predetermined destination address, comprising:
registering with a wireless packet data network;
obtaining a digital image from a digital camera;
formatting a message, including at least one said digital image and an account identifier; and
transmitting said message via said wireless packet data network to said remote system associated with said predetermined destination address.]

Regarding claim 16, Hull '005 discloses a method in a data processing system for transmitting an image (i.e., the image data captured by DSVC 12) to a remote system (14) associated with a predetermined destination address (i.e., noted that TCP/IP protocol packing is performed on the image for transmission, thus, a predetermined destination address includes within the transmitted packets; see col. 2, lines 45+), comprising:
registering with a wireless packet data network (i.e., noted that the DSVC 12 used the cellular transmitter 28, thus, DSVC 12 must register with the Cellular Network 16 in order to communicate with the remote server 14 as shown in Fig. 1; see col. 2, lines 10+);
obtaining a digital image from a digital camera (i.e., noted that DSVC 12 includes a digital camera made up of a capture device 20; see col. 2, lines 2+);
formatting a message, including at least one said digital image and an account identifier (i.e., noted from col. 2, lines 20+ of Hull '005 that DSVC 12 includes CPU 22 with a protocol packetizing program 36, an encryption module 38 and an e-mail handler 40, and this implied that each user of the network 16 has a unique address or identification within the network, thus, when the packet data from DSVC 12 is transmitted to the remote server 14, the transmitted packet data must include an account identifier along with transmitting digital image data so that the remote server 14 could be able to identify the

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

packet data of a specific DSVC in order to allow the remote server 14 to properly process the received packet data of a specific DSVC in order to allow the remote server 14 to properly process the received packet data of the specific DSVC and if needed, the server 14 could directly communicate with a specific DSVC based on an account identifier to capture additional images; see col. 3, lines 20+ and 45+); and transmitting said message via said wireless packet data network to said remote system (12) associated with said predetermined destination address (i.e., noted that the transmitted packet from DSVC 12 includes the predetermined destination address such that the cellular number, IP address, email address and the address for the printer/facsimile machine 70 as shown in Fig. 1 and col. 2, lines 20+).

Applicant respectfully submits that Hull '005 does not disclose including within each message an 'account identifier' as described and understood within the disclosure of the present invention, and therefore Hull does not anticipate the invention of Claim 16.

Applicant agrees that when the DSVC and server communicate via a TCP/IP protocol, there would necessarily be a unique IP address associated with each device, but these addresses could easily be dynamically assigned and only for the duration of each link.

Further, this address, even if assigned as a static address, is not the same as the account ID of the present invention.

[Claim 17. Method of claim 16, further comprising the step of processing said message on said remote system to retrieve one or more preselected recipient addresses corresponding to a recipient code in said message; and retransmitting at least said image to each preselected recipient address]

Regarding claim 17, Hull '005 discloses further comprising the step of processing said message on said remote system (12) to retrieve one or more preselected recipient addresses corresponding to a recipient code in said message (i.e., noted from col. 2, lines 45+ and col. 4, lines 15+ Hull '005 stated that when the transmitted packet data are received at the remote system 12, they are processed by the CPU 52 so that if desired, some or all of the images in data can be made available over the Internet or forwarded to the External printing devices. In view of this, it is clear that the CPU 52 is capable of processing the received packet data to retrieve one or more of the preselected recipient addresses, such that the address of the external printing devices, IP addresses or the cellular number of the recipient the address, from the received messages for forwarding some of the images to the Internet or the External printing devices 70); and retransmitting at least said image to each preselected recipient address (i.e., noted that the operator of DVSC 12 can select a predetermined recipient address, such that the address of the External printing devices 70, to forward the image data via the remote server 14; see col. 4, lines 15+).

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Applicant respectfully submits that Hull '005 does not disclose a server process to retrieve one or more preselected recipient addresses corresponding to a recipient code received in the message from the DSV, per claim 17 of the present invention. Where Hull '005 does state at col. 4, lines 17+ that the "user of the DSV desiring a photocopy could then indicate, using command input 32, the telephone number of a nearby facsimile machine." Applicant takes this at face value to mean the user sends the actual facsimile machine number (and transmit this information over the current link, whether cellular modem or slip/ppp using TCP/IP), but respectfully submits that this is not the same thing as the process of present invention claim 17 where the server uses the recipient code within the received message to look up a corresponding recipient address or addresses that are stored on the server, and then send the image to that address or addresses.

Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel et al. (US 2002/0167595).

[Claim 9. A wireless digital apparatus, comprising:

a processor and a memory connected to said processor, wherein said memory contains at least a previously established configuration table and an address associated with a remote system;
user interface means connected to said processor, comprising means for displaying a list of recipient codes stored in said configuration table and receiving signals indicating user selection of a single recipient code from the displayed list, as well as other user inputs;
a RF communications device connected to said processor; and
processor control means, responsive to signals received from said user interface means, for transmitting one or more messages including at least a recipient code, via said RF communications device to said remote system.]

"Regarding Claim 9, Patel (US 2002/0167595) discloses a wireless digital apparatus (i.e., See Figs. 5 and 6-7), comprising: a processor (i.e., noted from Figs 5 and 7 that the wireless apparatus 10 includes the processor elements 57, 50, 52 and 54; see page 5, paragraph 0062), and user interface means (i.e., noted the user interface element 16 as shown in Fig. 5) and a memory connected to said processor (i.e., noted that the storage device is a part of the element 56 and the interface means may be coupled to the processor elements and the storage element via the input 68 as shown in Fig. 7); a RF communications device connected to said processor (page 4, the paragraph 0059 and Fig. 7, the element 58); and processor control means (Fig. 7, the element 56), responsive to signals received from said user interface means (i.e. noted the element 68 of Fig. 7), for establishing a communication link to a remote system (i.e., the remote system is shown in Fig. 6; see the elements 34, 36, 38, 40 and 42 of Fig. 6) associated with a destination address stored in said memory (i.e., see Fig. 3 and 7, the elements 6 and 56 of the wireless apparatus contain an address of the remote location to transmit the image

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

data via wireless transmission; see page 2, paragraphs 0027+ and page 3, paragraphs 0043), capturing message data, transmitting one or more messages, via said RF communications device to said remote system (i.e., see page 2, paragraphs 0027+), and capturing new message data in response to signals received from said user interface at the same time messages are being transmitted (page 5, paragraphs 0062+ and 0067+)." *Applicant respectfully submits that Patel '595 does not disclose a wireless device including a configuration table and predefined recipient codes that are displayed in a user selectable list via the user interface, as provided in amended Claim 9 of the present invention.*

[Claim 10. Apparatus of Claim 9, further comprising a digital camera connected to said processor, and where message data includes at least one digital image captured by said digital camera.]

Regarding Claim 10, Patel '595 discloses a digital camera (Figs. 5 and 7; page 3, paragraph 0049) connected to said processor, and where message data includes at least one digital image captured by said digital camera (page 5, paragraph 0063).

Applicant submits that this dependent claim should be allowable if base independent claim is allowed.

[Claim 1. A wireless digital camera apparatus, comprising:

a digital camera including a processor, user interface means, and a memory, wherein said memory contains at least a destination address;

a RF communications device connected to said processor; and
processor control means, responsive to signals received from said user interface means, for automatically establishing a link between said RF communications device and a remote system associated with said destination address whenever possible and the apparatus is activated, capturing digital images and storing said images in said memory, and transmitting a message, including at least one digital image, via said RF communications device to the remote system.

Claim 7. Apparatus of claim 1, wherein said user interface further comprises a serial data port.]

Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Safi '469 in view of Fukuoka (U.S. 6,104,430).

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Also, to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant submits that neither Safi, nor Fukuoka, expressly or impliedly suggest the claimed invention and the Examiner has not presented a convincing line of reasoning as

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

to why anyone would find it obvious to conceive of the claimed invention in light of these references' teachings.

For the reasons discussed above in reference to the section 102(e) rejection of Claim 1 as being anticipated by Safi '469, Applicant submits that Safi does not include all the limitations of present Claim 1, does not anticipate the invention of Claim 1, and is therefore an improper reference for a section 103 rejection of Claim 7 in combination with Fukuoka.

[Claim 11. Digital photo delivery system comprising:

a wireless digital camera apparatus, wherein said apparatus includes a processor; a memory; an account identifier and a destination address and at least one previously defined recipient code stored in said memory; user interface means connected to said processor for at least displaying a list of recipient codes stored in said memory and receiving signals indicating user selection of a single recipient code from the displayed list; a digital camera means connected to said processor; a RF communications device connected to said processor; and processor control means, responsive to signals received from said user interface means, for transmitting a message, including at least an account identifier, the most recent user-selected recipient code, and one said digital image, to said destination address via said RF communications device; and

a server associated with said destination address and responsive to messages received at said destination address from said wireless digital camera apparatus; server memory means for storing account configuration records, including message recipient code distribution data, and associated with said account identifiers; server communications means; and server control means for parsing said account identifier and said recipient code from each said message, and processing each said message according to message recipient code distribution data associated with said account identifier and said recipient code.

Claim 12. Digital photo delivery system of claim 11, wherein said server control means further comprises means for transmitting account configuration data including at least one recipient code to said wireless digital camera apparatus in response to receiving a signal from said wireless digital camera apparatus, and wherein said processor control means is further responsive to said account configuration to update said memory.]

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safi '469 in view of Criss et al. (US 2001/0029178 A1).

Applicant submits that neither Safi, nor Criss, expressly or impliedly suggest the claimed invention and the Examiner has not presented a convincing line of reasoning as to why anyone would find it obvious to conceive of the claimed invention in light of these references' teachings.

For the reasons discussed above in reference to the section 102(e) rejection of Claim 11, Applicant submits that Safi does not include all the limitations of present Claim 11, does not anticipate the invention of Claim 11, and is therefore an improper reference for a section 103 rejection of Claim 12 in combination with Criss.

[Claim 13. Digital photo delivery system of claim 11, wherein said RF communications device comprises a wireless transceiver and said processor control means transmits according to a CDPD protocol.]

Application No. 09/324,249
Amendment date: October 9, 2003
Reply to Office Action of June 10, 2003

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safi '469 in view of Fernandez (US 2002/0057340).

Applicant submits that neither Safi, nor Fernandez, expressly or impliedly suggest the claimed invention and the Examiner has not presented a convincing line of reasoning as to why anyone would find it obvious to conceive of the claimed invention in light of these references' teachings.

For the reasons discussed above in reference to the section 102(e) rejection of Claim 11, Applicant submits that Safi does not include all the limitations of present Claim 11, does not anticipate the invention of Claim 11, and is therefore an improper reference for a section 103 rejection of Claim 13 in combination with Fernandez.

[Claim 15. Digital photo delivery system of claim 11, wherein said server control means further comprises message reply filter means for receiving messages addressed to each said wireless digital camera apparatus and only forwarding to said wireless digital camera apparatus those messages which originate from an address that is authorized for a reply in said account configuration record associated with said wireless digital camera apparatus.]

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safi '469 in view of Harkins et al. (US 5,689,642).

Applicant submits that neither Safi, nor Harkins, expressly or impliedly suggest the claimed invention and the Examiner has not presented a convincing line of reasoning as to why anyone would find it obvious to conceive of the claimed invention in light of these references' teachings.

For the reasons discussed above in reference to the section 102(e) rejection of Claim 11, Applicant submits that Safi does not include all the limitations of present Claim 11, does not anticipate the invention of Claim 11, and is therefore an improper reference for a section 103 rejection of Claim 15 in combination with Harkins.

In amended Figure 1, element 262 has been renumbered as element 260 to correspond with the numbering used in the specification to describe this element.

As explained herein, Applicant respectfully submits that the present Claims 1-18 are not anticipated by the cited references nor are claims 7, 12, 13 or 15 obvious over the cited references, and are now in a condition for allowance.

Respectfully submitted,

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